

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERETT HADIX, *et al.*,

Plaintiffs,

v.

PATRICIA L. CARUSO, *et al.*,

Defendants.

Case No. 4:92-CV-110

Hon. Richard Alan Enslen

ORDER

This Court has received a *pro se* motion for order to show cause from Scott A. Falkiewicz, #244693, who represents himself to be a prisoner residing at the Parnall Correctional Facility, a facility within the Consent Decree in this suit. Mr. Falkiewicz complains that he suffers anxiety attacks and stress. He further complains that he has a family history of stress-related cardiac attacks. He and his family members request that the Court order relief because he has been denied treatment for his stress disorder and his medical care has been complicated by untreated mental illness.

The Court regards this as a serious case which might evidence an Eighth Amendment violation requiring relief. Notwithstanding, the Plaintiff class in this suit is ably represented by qualified Plaintiffs' attorneys. Due to such representation, and the failure of counsel to sponsor such request in accordance with Federal Rule of Civil Procedure 11(a), the Court will deny such request without prejudice to the merits. In so doing, the Court finds that intervention is not appropriate under Rules 23 and 24. At the same time, though, the Court will direct that notice of this matter be sent to Defendants' counsel, Plaintiffs' counsel and the Medical Monitor, Dr. Robert Cohen, so that corrective action may be taken if necessary.

IT IS HEREBY ORDERED that Scott A. Falkiewicz's Motion for Order to Show Cause (Dkt. No. 2293) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk shall submit notice of the Scott A. Falkiewicz's Motion for Order to Show Cause and this Order to the Medical Monitor; Defendants' counsel and Plaintiffs' counsel shall also be informed of these matters by operation of the Court's ECF system.

DATED in Kalamazoo, MI:
February 2, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE